

DECEMBER 27, 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

07 C 7242

JAIMIE PRETTO,)	
)	TRIAL BY JURY DEMANDED
Plaintiff,)	
)	
v.)	No.
)	
ANNA E. SEARS PRESCHOOL, INC.,)	
ANNA NESTOR and JOHN NESTOR)	
.)	
Defendants.)	

**JUDGE ZAGEL
MAGISTRATE JUDGE VALDEZ**

COMPLAINT

JURISDICTION AND VENUE

1. This is a suit to recover back wages and liquidated damages. Federal question jurisdiction is posited upon Title 28 U.S.C. 1331 and Title 29 U.S.C. 216(b), commonly known as the “Fair Labor Standards Act” (hereinafter “FLSA”), as amended, and acts prohibited there under. To plaintiff’s knowledge, other employees are aggrieved by the unlawful conduct alleged.

2. Defendants ANNA NESTOR and JOHN NESTOR are officers and directors, and own and operate ANNA E. SEARS PRESCHOOL, INC. d/b/a MARY SEARS CHILDREN’S ACADEMY, and are an enterprise engaged in interstate commerce, doing business within this judicial district, in New Lenox, Illinois. The defendants are an “employer” of the plaintiff within the meaning of 29 U.S.C. 203(a) and (d). The court has supplemental jurisdiction over the claims under the Illinois Wage Payment and Collection Act claim, 820 ILCS 115/11(c), and the Illinois Minimum Wage Law, 820 ILCS 105/4a (ILMWL), pursuant to the Judicial Improvements Act of 1990, 28

U.S.C. 1367(a)(1).

STATEMENT OF CLAIM

3. Plaintiff, JAIMIE PRETTO, was employed by defendants as a teacher and “assistant director” between approximately October, 2004 and approximately August, 2007, most recently at a wage of \$10.00 an hour. During the time employed, she worked more than 40 hours in certain work weeks for which she was willfully not compensated wages at the rate of one and one-half times his regular rate of pay, in violation of 29 U.S.C. 207(a) and the ILMWL, 820 ILCS 105/4a. As a result thereof, she is now due back wages and liquidated damages.

PRAYER FOR RELIEF

4. WHEREFORE plaintiff, JAIMIE PRETTO, asks the court to enter judgment in her favor, and against the defendants, ANNA E. SEARS PRESCHOOL, INC. d/b/a MARY SEARS CHILDREN’S ACADEMY, ANNA NESTOR and JOHN NESTOR for all back wages due, liquidated damages, attorney’s fees and costs of the action due, as provided by 29 U.S.C. 216(b); 820 ILCS 105/12; and the Illinois Wage Payment and Collection Act, 820 ILCS 115/11(c).

s/ Ernest T. Rossiello
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Dated: December 26, 2007
Chicago, Illinois